

Senator Crane offered the following:  
"Amend article 1387 by striking out the word "three" in line 23 and inserting the word "eight" in lieu thereof.

Adopted.

The bill was finally passed.

Senator Simkins moved that Joint Committee Substitute for Senate bill No. 32 and House bill No. 11, be made special order for tomorrow, after the morning call.

Adopted.

On motion of Senator Harrison the Senate adjourned until tomorrow morning at 9:30.

## TWENTY-SECOND DAY.

SENATE CHAMBER,  
TWENTY-SECOND LEGISLATURE,  
Austin, Thursday, April 7, 1892. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

### PRESENT—27:

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Harrison,	Sims,
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger,
Kimbrough,	

Prayer by Rev. J. S. Lyons of San Antonio.

Pending reading of the Journal, on motion of Senator Kimbrough, further reading was dispensed with.

The following reports were received from their respective committees:

COMMITTEE ROOM, }

Austin, April 7, 1892. }

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Education to whom was referred

House bill No. 14, being a bill to be entitled "An act carrying into effect constitutional amendment to article 7, section 5, transferring annually one per cent, of the permanent to the available school fund,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Glasscock, Chairman.

COMMITTEE ROOM, }

Austin, April 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs to whom was referred Senate joint resolution No. 5, being joint resolution asking the Governor to submit to the called session the propriety of amending, suspending or repealing the wolf scalp law

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Harrison, Chairman.

COMMITTEE ROOM, }

Austin, April 6, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills have carefully examined and compared Senate bill No. 15 being "An act to repeal article 2461, title 45, of the revised civil statutes of Texas,

And find the same correctly engrossed.

Carter, Chairman.

COMMITTEE ROOM, }

Austin, April 6, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts to whom was referred House bill No. 54 being "A bill to be entitled an act to amend section 2 of an act to reorganize the 35th Judicial district, and to create the 51st Judicial district of the state, presented to the Governor 3rd of March 1891, but not being signed by him nor returned to the House where it originated, with his objections thereto, within the time prescribed by the constitution became a law without his signature,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass,

Townsend, Chairman.

COMMITTEE ROOM, }  
Austin, April 7, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Joint committee substitute for Senate bill No. 33 and House bill No. 13, being "An act to amend articles 1377, 1380, 1386, 1387, 1389, 1391, 1394, 1396, 1400 and 1404 of the revised civil statutes of Texas, and to repeal articles 1391, 1392, 1393 of the revised civil statutes of Texas, and to add articles 1407a and 1416b, and providing for the disposition of certain causes,"

And find the same correctly engrossed.

Carter, Chairman.

Senator Simkins presented the following report from joint committee:

Joint Committee Substitute for Senate Bill No. 33 and House Bill No. 12. A bill to be entitled "An act to amend Articles Nos. 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060 of the revised civil statutes of Texas, and to add articles 1011a, 1011b, 1011c, 1011d, 1011e, and to repeal Articles No. 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048, of the same title of the revised civil statutes of Texas.

Section 1. Be it enacted by the Legislature of the state of Texas:

That articles Nos. 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060, title 39, of the revised statutes of Texas, be, and the same are hereby so amended as hereafter to read as follows:

Article 1002. That the chief justice and associate justices of the supreme court shall be elected by the qualified voters of the State at a general election. The judges of said court now in office shall hold their office until the expiration of the term for which they were elected and until their successors are elected and qualified. As soon as practicable after the election of the successors to the present incumbents, the newly elected judges shall cast lots for the term of office. That one who shall draw number one shall hold his office for two years, the one drawing number two shall hold his office for four years, and the one drawing number two shall hold his office for six years, each to hold his office until his successor is elected and qualified; and

each justice of the supreme court elected thereafter shall hold his office for six years, and until his successor is elected and qualified, and shall each receive an annual salary of four thousand dollars.

Article 1005. The supreme court shall hold one term each year at the city of Austin, commencing on the first Monday in October of each year, and may continue until the last Saturday in next June.

Article 1011. The supreme court shall appellate jurisdiction, co-extensive with the limits of the State, which shall extend to questions of law arising in all civil cases of which the courts of appeal have appellate, but not final, jurisdiction.

Article 1011a. All causes shall be carried up to the supreme court by writs of error issuing from the supreme court to the courts of civil appeals upon final judgment, and not on judgments reversing and remanding causes except in the following cases, to-wit: 1st. Where the State is a party or where the railroad commissioners are parties. 2d. Cases which involve the construction and application of the constitution of the United States or of the State of Texas or of an act of congress. 3d. Cases which involve the validity of a statute of the State. 4th. Cases involving the title to a State office. 5th. Cases in which a civil court of appeals overrules its own decision or the decision of another court of civil appeals or of the supreme court. 6th. Cases in which the judges of any court of civil appeals may disagree. 7th. Cases in which any two of the courts of civil appeals may hold differently on the same question of law. 8th. When the judgment of the court of civil appeals reversing a judgment practically settles the case, and this fact is shown in the petition for writ of error.

Art. 1011b. In all cases carried to the supreme court the decision of the supreme court shall be limited to the very grounds of error complained of in the writ of error and the supreme court shall not reverse the judgment of the court unless it shall believe that error was committed by such court against the plaintiff in error and in materially affecting the merits of the action.

Art. 1011c. Any party desiring to sue out a writ of error before the supreme court shall present his petition to said court stating the names and residences of the parties adversely

interested with a brief statement of the nature of his case and the very ground upon which the writ of error is prayed, and it must appear that the error arose on a question upon which the court of civil appeals actually passed, and it must further appear that the supreme court would have jurisdiction thereof.

The petition must be accompanied with a certified copy of the statement of law and fact filed in the cause by the court of civil appeals with the opinion thereof, together with a certified copy of the judgment in the trial court and of the bond given in the lower court, if any, and if plaintiff in error has given no bond, then the supreme court, in granting the writ shall specify what bond shall be given; and the plaintiff in error shall file said bond in the trial court to be approved by the clerk of said court, and a certified copy thereof shall be at once transmitted to the supreme court, and upon the filing of said certified copy, the clerk of the supreme court shall issue citation in error as may be prescribed by the rules of the supreme court.

Article 1011d. If it shall appear to the supreme court from an inspection of the petition and record that there is error in said judgment of the court of civil appeals, it shall grant a writ of error returnable in thirty days, in such manner as may be prescribed by said court.

Article 1011e. The supreme court shall from time to time make and promulgate suitable forms, rules and regulations for carrying into effect the foregoing articles relating to the jurisdiction and practice of the supreme court.

Article 1012. The supreme court, or any justice thereof, shall have power to issue writs of habeas corpus as may be prescribed by law, and the said court, or the justice thereof, may issue the writs of mandamus, procedendo, certiorari and all writs necessary to enforce the jurisdiction of said court; and in term time or vacation may issue writs of quo warranto or mandamus against any district judge or officer of the State government, except the governor of the State.

Article 1014. The supreme court shall have power to make, establish and enforce all necessary rules of practice and procedure, not inconsistent with the laws of this State, for the government of the said court and all other courts of the State, so as to expedite the dispatch of business in said courts.

Article 1017. There shall be appointed for the supreme court one clerk, who shall reside at the place of holding court, which appointment shall be made by the court, or the judges thereof, and shall be entered of record in the proceedings of said court, and each person so appointed shall, before he enters upon the duties of his office, take and prescribe the oath prescribed by the constitution, before some officer authorized to administer oaths generally, and shall enter into a bond with two good and sufficient sureties, to be approved by the court or judges thereof, payable to the governor and his successors in office, in the penalty of five thousand dollars, conditioned for the faithful performance of the duties of his office, and that he correctly record the judgments, decrees, decisions and orders of said court, and deliver over to his successor in office all records, minutes, books and papers and whatever belongs to his said office of clerk, which bond and oath shall, without delay, be deposited in the office of the Secretary of State, and shall not be void on the first recovery, but may be put in suit and prosecuted by any party injured, until the amount thereof be recovered, and shall be deemed to extend to the faithful discharge of the duties of his office.

Article 1019. The clerk of the supreme court shall hold his office for the term of four years from his appointment, but may be removed therefrom for neglect of duty, or misconduct in office, by the supreme court, on motion, of which the clerk against whom complaint is made shall have ten days previous notice, specifying the particular charges of negligence or misconduct in office preferred; and in every such case the court shall determine both the law and the facts; and whenever the necessity occurs the supreme court may appoint a clerk pro tempore. The clerk of the supreme court shall receive as compensation for his services the fees which are now or may hereafter be allowed by law,

Article 1023. The clerk of the supreme court may appoint deputies who, in the name of said clerk, may discharge all the duties required by law of said clerk, and said deputies may be required to give bond with sureties to said clerk for the faithful discharge of their duties.

Article 1024. The clerk of the supreme court shall be librarian in charge of the libraries of said court.

and shall receive such compensation therefor as may be allowed by law.

Article 1025. It shall be the duty of such librarian to take charge of and to keep together and in good order, and make catalogues of the books of said libraries, which shall be open to the public use under such rules as may be prescribed by them for the safe keeping thereof; provided, the books shall not be removed from the library room, except by the judges of the court and by members of the legislature during the session of the legislature upon their receipt for the same to the clerk.

Article 1033. In all cases of writs of error or certificates of error to the supreme court, the trial shall be only upon the question of law upon which the writ of error was allowed, or which was certified to the supreme court from a court of civil appeals, but the supreme court may require at any time the original transcript to be sent up.

Article 1039. When any cause or suit may be taken to the supreme court by writ of error, the briefs and arguments filed in the court of civil appeals shall be submitted to the supreme court, and in addition thereto the attorney for either party may file additional briefs under such rules and regulations as may be prescribed by the supreme court.

Article 1043. There shall be no reversal on writ of error, nor shall the same be dismissed for want of form; provided that the requirements of the law and rules of the court be sufficiently complied with in presenting the case to enable the court to determine the same upon its merits. In each case the supreme court shall affirm the judgment, reverse and render the judgment which the court of civil appeals ought to have rendered, or reverse the judgment and remand the case to the lower court, if it shall appear that the justice of the case demands another trial.

Article 1044. If any party to the record in any cause now pending in or hereafter taken to the supreme court or court of appeals by appeal or writ of error shall have died heretofore, or shall hereafter die, after the appeal bond has been filed and approved, or after the writ of error has been served, and before such cause has been decided by the supreme court or court of appeals, such cause shall not abate by such death, but the court

shall proceed to adjudicate such cause, and render judgment therein as if all the parties thereto were living, and such judgment shall have the same force and effect as if rendered in the lifetime of all the parties thereto.

Article 1049. Whenever the supreme court on the trial of a cause brought from any court of civil appeals shall affirm the judgment or decree of such court, or when said court shall proceed to render such judgment or decree as should have been rendered by the court of civil appeals, and such judgment shall be for the same or greater amount, or of the same nature as rendered in the court below, said court shall render judgment against plaintiff in error and his sureties on his bond, a copy of which shall always accompany the transcript of the record.

Article 1050. The judgments of said courts shall be final at the expiration of fifteen days from the rendition thereof, when no motion for rehearing has been filed, and when filed on the overruling of said motion, and the clerk of the supreme court, upon payment of costs, shall issue the mandate in the case. If for any cause the said court should set aside its judgment after the mandate has been issued, the clerk of the supreme court shall at once notify the party to whom the mandate was delivered, and the clerk of the court to which it was directed, to return it at once.

All mandates from the said court shall issue to the court in which the original judgment was entered.

Article 1056. All writs and process issuing from the supreme court shall bear the test of the chief justice or presiding judge of said court, and be under the seal of said court, and signed by the clerk thereof, and may be directed to the sheriff or any constable of any county in the state, and shall be by such officer executed according to the command thereof, and returned to the court from which they emanated; and whenever such writs or process shall not be executed, the clerk of the said court is hereby authorized and required to issue another like process to writ upon the application of the party suing out the former writ or process to the same or any other county.

Article 1057. Upon the rendition by the supreme court of any such judgment or decree as is contemplated by article 1049, it shall not be necessary for the lower court from which the

cause was removed to make any further order or decree therein, but the clerk of said lower court, on the receipt of the mandate of the supreme court or court of civil appeals, shall proceed to issue execution thereon as other cases.

Article 1058. The clerk of the supreme court shall not deliver the mandate of the court until all costs of that court and of the court of civil appeals have been paid. If the costs have not been paid at the end of fifteen days from the date of judgment or from the overruling of a motion for rehearing, the said clerk may issue an execution for the costs of the supreme court, and the court of civil appeals, specifying the amount of each, and attaching to said execution a correct list of all costs accruing in each of said courts. Said execution shall be directed to the sheriff, or any constable, of the county from which the cause was removed, or to any county in which the person or persons liable under such execution, or either of them may have property. It shall be the duty of every sheriff or constable receiving such execution to execute and return the same under the same rules, regulations and liabilities as provided for executions from the district court.

Article 1060. In case any officer shall fail or refuse to make such return, with the amount of such costs, if he has collected the same, within the time prescribed herein, or shall make a false or fraudulent return of any such execution, the clerk of said supreme court may issue citation returnable forthwith to such officer to appear before said supreme court, and show cause, if any he can, why he has not collected and returned such costs and execution; and, failing to show cause, said court may enter judgment against such officer, and the sureties on his official bond for twice the amount of said costs, together with the cost of such proceeding. It shall be the duty of the clerk of the supreme court when he shall receive any money due to the clerk or any court of civil appeals to pay the same over to such clerk of the court of civil appeals and if he refuses to do so upon demand the clerk of the said court of civil appeals may file in the supreme court a motion against the said clerk so failing, and upon ten days' notice given to him the said supreme court may enter judgment against said clerk of the supreme court, and the sureties on his official bond, for double the

amount of the costs so collected by him and due to said clerk of the court of civil appeals.

Section 2. The supreme court is authorized and required to appoint a reporter for its decisions, whose duties and compensation shall be the same as are now fixed by law, and he shall be subject to removal by the court for inefficiency or neglect, or other good cause.

Section 3. Be it further enacted, That articles Nos. 1006, 1007, 1008, 1009, 1034, 1037, 1038, 1045, 1046, 1048, of title 36 of the revised civil statutes of Texas be and the same are hereby repealed.

Section 4. All causes now pending, or that may be pending in the supreme court of Texas when this act goes into effect, shall be transferred by said supreme court to the court of civil appeals to which it would be returnable under the law organizing such courts, and shall be decided under the same rule as if it had been so perfected after said law shall take effect. Said causes shall be accompanied by a certified copy of all orders made by said supreme court, together with a certified copy of all costs which have accrued therein, and when said cause has been finally disposed of by said court of civil appeals, the clerk of said court shall include said costs in the bill of costs accruing in said court of civil appeals, and shall collect the same at the same time and in the same manner as the costs which have accrued in the court of civil appeals, and when so collected he shall pay the same over to said clerk of the supreme court.

Section 5. All records that have been finally disposed of by the supreme court, remaining at the Tyler and Galveston branches, when this act goes into effect, shall be transferred to said court at Austin, and the supreme court shall make such orders as may be necessary to carry this law into effect, and shall allow the clerk at Austin such compensation as they may deem just and reasonable for arranging and classifying said records and placing them in the transcript rooms.

Section 6. That this act take effect and be in force from and after the— day of—, 1892.

COMMITTEE ROOM, }  
Austin, April 5, 1892. }

To the Honorable Senate and House  
of Representatives:

Your joint committee to whom was

3. The armory building in the city of Houston, a handsome structure in the center of the city, is owned by the Houston Light Guards, and upon which there is no incumbrance. This company has, through its legal representative, tendered the use of the second story of this structure to the state with ample room and accommodation for the use of one of the courts of civil appeals, with all modern conveniences and rooms desirable for court purposes, which may be used by the state indefinitely for that purpose.

The county of Bexar has now in the course of construction a court house, the foundation of which is completed and contract let for the completion of the superstructure to cost \$250,000. All necessary rooms and conveniences therein have been by resolution of the commissioners court of Bexar county tendered for the permanent use of the State for one of its civil courts of appeal if established in San Antonio. This court house is to be completed in about twelve months; in the mean time the use of ample court rooms will be furnished, all to be free of cost to the State.

Fort Worth, Dallas, Houston and San Antonio have all made reasonable guarantees by plans already set in motion by their respective bar associations that they can and will supply the courts if located therein with a sufficient library at a cost ranging from \$20,000 to \$30,000.

Tyler offers one court room 50x70 feet and six rooms 16x24 feet for use for judges, etc. Said rooms are situated on second floor of court house and have been used by the supreme court of Texas for the past forty years.

Tyler also offers one court room 50x50 feet with twelve judges rooms 16x24 feet each.

Tyler also offers one court room 40x40 feet, together with five judges rooms 16x20 feet, said rooms being now occupied by the court of appeals and known as the court of appeals building. Said first two set of rooms are situated in the second and third floors of the court house in Tyler. Said rooms are fitted and furnished in good style. Tyler offers a library valued \$15,000 to \$20,000, same being jointly owned by the Tyler bar, the county and State. Said rooms are well heated, watered and lighted, and each and all are offered to the State free of all cost so long as the State of Texas locates one of the courts of civil appeals in the city of Tyler. These

buildings are the sole property of Smith county and are tendered for the absolute and sole use of the State so long as occupied. These buildings are kept heavily insured by Smith county and will be promptly replaced by Smith county in case of loss by fire.

#### GALVESTON

Galveston county offers a large and commodious brick building known as the supreme court building. It has been remodeled within the last year expressly for the use of the appellate courts at a cost of about \$20,000, and is supplied with all the modern improvements—electric lights, water through the building, closets, bathrooms, etc. It has fourteen rooms, including court rooms. It has ample grounds, fronts upon a park and is centrally situated upon a street car line. Galveston county also tenders the state the use of its large and complete law library which it has bought at a cost of about \$30,000, and the county guarantees the permanent use of both the building and library so long as the state shall see fit to use it for court purposes.

#### AUSTIN.

In the event one of the civil courts of appeal should be located in Austin the judges thereof would have the use of the State library, and of the ample, convenient and commodious court rooms already provided for by the State in the capitol building, and without any additional cost to the State.

#### SAN MARCOS.

The citizens of San Marcos tender the use of the opera house to the State for court purposes until the state can build and furnish a suitable structure for that purpose. Said house is eligibly located, is well finished, and sufficiently large for all the purposes and will be modeled to suit the wish and convenience of the court; is lighted by electricity and will be furnished free of cost, for temporary use.

Hays county will furnish ground on the public square for erection of permanent building, free of cost, and a large private law library will be furnished for the court.

Rogan of Brown, Chairman.

Mr. Connellee moved to excuse the absentees. The yeas and nays were demanded, and the motion to excuse prevailed by the following vote:

## YEAS—80.

Adkins,	Martin of Hood,
Agnew,	McCunningham,
Baker, Tom Green,	McElwee,
Baker, DeWitt,	Melson,
Beall,	Moody,
Brietz,	Murchison,
Brown,	Murrell,
Browning, Donley,	Oliver,
Browning	Patton,
of Lampasas,	Pebbles,
Cain,	Perry,
Cochran,	Peyton,
Connellee,	Phillips,
Crawford,	Renfro,
Crowley,	Robison,
Curry,	Rogan of Brown,
Davis,	Rogan of Caldwell,
Dawson,	Rogers,
Derden,	Rowland,
Doggett,	Rudd,
Duncan,	Selman,
Erskine,	Shaw,
Felder,	Shaper,
Francis,	Strange,
Gerald,	Swan,
Goodman,	Swayne,
Gossett,	Templeton,
Gough,	Terrell,
Graves,	Tilson,
Gresham,	Tolbert,
Hodges,	Truit,
Hood of Fannin,	Urbahn,
Jester,	Vestal,
Jones,	Waters,
Keith,	White,
King of Bell,	Williamson,
Kirk,	Wilson of Hill,
Lewis,	Wilson of Harrison
Lindsey,	Womack,
Lowry,	York.
Malone,	

## NAYS—13.

Batts,	McKinnon,
Dills,	Nimitz,
Fulton,	O'Brien,
Hamblen,	Peter,
Hood of Parker,	Riddle,
Kleiber,	Sellers.
Martin of Wise,	

## ABSENT—7.

Clegg,	McGregor,
Freeman,	McKinney,
King of Bowie,	Ragsdale.
Kirkpatrick,	

The question recurring on the motion of Mr. Brown, to reconsider the vote on the passage of House bill No. 19, and to table the same, that motion prevailed.

## SPECIAL ORDER.

The Speaker laid before the House, as a special order House bill No. 51, known as the "Trust Bill."

Mr. Browning of Donley, moved to

postpone consideration of the special order, and take up, on its second reading, Senate bill No. 18, being "An act to divide the state of Texas into three Supreme Judicial Districts, and to provide for and establish a court of civil appeals in each of said districts, and to prescribe the times for holding court in each of said districts."

The motion prevailed and the bill was taken up, read second time and committee amendments adopted.

The question recurring on filling the blanks in the bill, Mr. Browning of Donley moved that places seeking location of the courts be placed in nomination for each district the roll of members be called and each member vote viva voce for the place of his choice.

The motion prevailed.

For the location of the court in the First supreme judicial district, the following nominations were made:

By Mr. Gresham—The city of Galveston. Seconded by Mr. Davis.

By Mr. Hamblen—The city of Houston. Seconded by Messrs. Malone and Clegg.

By Mr. Wilson of Harrison—The city of Tyler. Seconded by Messrs. Gerald and Lindsay.

The clerk was directed to call the roll, and the vote resulted as follows:

Tyler—Milner, Batts, Cain, Cochran, Curry, Dawson, Erskine, Francis, Freeman, Gerald, Gossett, Hood of Fannin, Jones, Lindsey, Lowry, McCunningham, Melson, Moody, Murchison, Nimitz, Oliver, Perry, Peyton, Phillips, Renfro, Robison, Rogan of Caldwell, Rogers, Rudd, Selman, Shaw, Swan, Swayne, Templeton, Tilson, Truit, Waters, White, Wilson of Harrison—39.

Houston—Baker of Tom Green, Brietz, Clegg, Connellee, Dills, Gough, Hamblen, Kirk, Lewis, Malone, Martin of Wise, McGregor, McKinney, O'Brien, Patton, Riddle, Rowland, Sellers, Strange—19.

Galveston—Adkins, Agnew, Baker of DeWitt, Beall, Brown, Browning of Donley, Browning of Lampasas, Crawford, Crowley, Davis, Derden, Doggett, Duncan, Felder, Fulton, Goodman, Graves, Gresham, Hodges, Jester, Keith, King of Bell, King of Bowie, Kleiber, Martin of Hood, McElwee, McKinnon, Murrell, Pebbles, Peter, Ragsdale, Rogan of Brown, Shaper, Terrell, Tolbert, Urbahn, Vestal, Williamson, Wilson of Hill York—40



## PAIRED.

Mr. Hood of Parker, (present), who would vote for "Galveston" with Mr. Lloyd, (absent), who would vote for "Tyler."

There being no choice, another ballot was ordered, which resulted as follows:

Tyler—Hon. R. T. Milner, Speaker; Cain, Curry, Dawson, Francis, Freeman, Gerald, Gossett, Hood of Fannin, Jones, Lindsey, Lowry, Malone, Murchison, Nimitz, Oliver, Peyton, Phillips, Robison, Rogers, Rudd, Selman, Strange, Swan, Templeton, Tilson, Truit, Vestal, Waters, White, Wilson of Harrison. Total—30.

Houston—Clegg, Lewis, McKinney, Williamson. Total—4.

Galveston—Adkins, Agnew, Baker of Tom Green, Baker of DeWitt, Batts, Beall, Brietz, Brown, Browning of Donley, Browning of Lampasas, Cochran, Connellee, Crawford Crowley, Davis, Derden, Dills, Doggett, Duncan, Erskine, Felder, Fulton, Goodman, Gough, Graves, Gresham, Hamblen, Hodges, Hood of Parker, Jester, Keith, King of Bowie, King of Bell, Kirk, Kleiber, Martin of Wise, Martin of Hood, McCuningham, McElwee, McGregor, McKinnon, Melson, Moody, Murrell, O'Brien, Patton, Peebles, Perry, Peter, Ragsdale, Renfro, Riddle, Rogan of Brown, Rogan of Caldwell, Rowland, Sellers, Shaw, Shaper, Swayne, Terrell, Tolbert, Urbahn, Wilson of Hill, Womack, York. Total—66.

The city of Galveston having received a majority of all the votes, the Speaker directed the blank in the first district to be filled with the word "Galveston."

The blank in the second supreme judicial district being next in order, nominations were made as follows:

By Mr. Crawford—The city of Dallas.

By Mr. Swayne—The city of Fort Worth.

The clerk was directed to call the roll and the vote resulted as follows:

Dallas—Adkins, Agnew, Baker of Tom Green, Baker of DeWitt, Batts, Beall, Brown, Cochran, Crawford, Crowley, Curry, Dawson, Derden,

Doggett, Duncan, Felder, Francis, Freeman, Gossett, Gough, Graves, Gresham, Hodges, Jester, Keith, King of Bowie, Kirk, Kleiber, Moody, Murchison, Nimitz, O'Brien, Patton, Ragsdale, Robison, Rowland, Sellers, Shaw, Shaper, Strange, Tilson, Tolbert, White, Wilson of Hill, York. Total—45.

Fort Worth—Brietz, Browning of Donley, Browning of Lampasas; Cain, Clegg, Connellee, Davis, Erskine, Fulton, Gerald, Goodman, Hamblen, Hood of Parker, Hood of Fannin, Jones, King of Bell, Lewis, Lindsey, Lowry, Malone, Martin of Wise, Martin of Hood, McCuningham, McElwee, McGregor, McKinney, McKinnon, Melson, Oliver, Peebles, Peter, Peyton, Phillips, Renfro, Riddle, Rogan of Brown, Rogan of Caldwell, Rogers, Rudd, Selman, Swan, Swayne, Templeton, Terrell, Truit, Urbahn, Vestal, Waters, Williamson, Wilson of Harrison, Womack. Total—51.

Sherman—Dills. Total—1.

The city of Fort Worth having received a majority of all the votes, the Speaker directed the blank in the Second district to be filled with the words "Fort Worth."

## PAIRED.

Mr. Murrell (present), who would vote for "Fort Worth," with Mr. Owsley (absent), who would vote for "Dallas."

Mr. Perry (present), who would vote for "Fort Worth," with Mr. Cade (absent), who would vote for "Dallas."

Mr. Rogers moved that the House adjourn until tomorrow morning at 9 o'clock.

The motion was lost.

Mr. Martin of Wise, moved to adjourn until 8 o'clock this evening.

The motion was lost.

Mr. White moved that the House adjourn until 9:30 o'clock to-morrow morning.

The motion was lost.

On motion Senate Bill No. 22 was ordered printed in the Journal.



Senate Bill No. 22. An Act in reference to holding elections and repeal sections 1673, 1674, 1675, 1681, 1682, 1683, 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702 of the revised civil statutes of the state of Texas, and chapter 112 of the acts of the Legislature, approved April 19, 1879; also, chapter 51, acts of the Eighteenth Legislature; also, chapter 31, of the laws of 1887, approved March 14, 1887, and to provide for the registration of all voters in all cities containing a population of ten thousand inhabitants or more; and to provide penalties for the violation of the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the governor shall by proclamation order all elections for the state and district officers, electors for president and vice president of the United States, members of congress, members of the legislature, and all other electors required to be ordered by him by the constitution or laws of the state.

Sec. 2. It shall be the duty of the county judges of each county, or in case of vacancy in that office or any inability or failure of the county judge to act, then any three of the county commissioners, to order all elections for county and precinct officers, and all other elections required by law to be ordered by the county judge.

Sec. 3. The county judge or county commissioners ordering an election shall direct the county clerk to give notice thereof, wherein shall be particularly stated the officers to be chosen, or the question to be voted upon, or both, as the case may be, and the date of the election.

Sec. 4. When an election has been ordered as provided in Sec. 3, at least twenty days' notice thereof shall be given by the county clerk, whose duty it shall be at once to prepare and deliver to the sheriff of the county three notices thereof, for each voting precinct of the county voting at said election, which notice shall be substantially in form as follows:

#### ELECTION NOTICE.

Notice is hereby given that on . . . . .  
the . . . day of . . . . , 189 . . , at . . .  
. . . . . in election precinct No. . . . ,  
in the county of . . . . . , an election  
will be held for state, district, county

and precinct officers (or either for a question to be submitted to the people) as follows: (Here name the offices to be filled or the question to be voted upon.) Which election will be held at 8 o'clock in the morning and continue until 6 o'clock in the afternoon of the same day.

Dated the . . . day of . . . . 189 . .

. . . . . County Clerk.

By order of the county judge (or county commissioners).

Sec. 5. It shall be the duty of the sheriff, upon the receipt of said notices, to post the same in three of the most public places in vicinity of each voting precinct for which the election is ordered.

Sec. 6. In case there is no presiding officer in the precinct in which the election is ordered to be held, the ballot boxes, poll books, tally sheets and election supplies, hereinafter provided for, shall be by said sheriff delivered to a qualified voter of such precinct who resides at or in proximity to the place of voting in such precinct.

Sec. 7. All general or special elections hereafter held in this state shall be conducted under the provisions of this act, and the polls shall be open at the hour of 8 in the forenoon, and continue open until 6 o'clock in the afternoon of the same day, at which time the polls shall be closed. Prior to opening the polls the presiding officer of election shall make public proclamation of the same, and thirty minutes before closing the polls public proclamation shall be made by the same officer that the polls will be closed in half an hour. The ballot boxes, poll books, ballot stubs and tally sheets shall be constantly kept together and in the presence and view of at least three of said officers from the opening of the polls until the count is completed and returns signed and sealed as herein provided.

Sec. 8. Each organized county in the state of Texas shall constitute one or more election precincts, and the county commissioners court shall by an order spread upon the minutes of said court determine upon the number of said precincts and establish the boundaries thereof, and shall designate the place or places within said precincts where all elections within said county shall be held.

Sec. 9. It shall be the duty of said commissioners court to which any unor-

ganized county is attached for judicial purposes, to appoint some suitable person or persons residents of such unorganized counties to serve as presiding officer of elections in the respective voting precincts of said county, which appointment shall be made at some regular term of the county commissioners court, and entered of record in the minutes of the court.

Sec. 10. It shall be the duty of each presiding officer, judge or clerk, or any elector present, to challenge any person offering to vote whom he shall know or suspect not to be qualified as an elector.

Sec. 11. If a person offering to vote is challenged as unqualified by any one enumerated herein, the presiding officer shall administer to and have him sign the following oath or affirmation: "I do solemnly swear (or affirm) that I will fully and truly answer all such questions as shall be put to me touching my place of residence and qualifications as an elector at this election, so help me God." The presiding officer or either of the judges of the election shall then propound such questions to the person challenged as may be necessary to test his qualifications as an elector at that election. They may hear such other testimony and consider such other evidence as is proper upon the question. If the presiding officer and judges cannot agree, the majority of the judges and presiding officer shall decide the matter.

Sec. 12. If the person so challenged shall refuse to take and sign the oath (or affirmation) and to answer fully any legitimate question touching his qualification as an elector which shall be put to him, his vote shall be rejected.

Sec. 13. Whenever any person's right to vote shall be challenged and he has taken the oath prescribed by section 11, it shall be the duty of the clerk of the election to write on the poll books at the end of such person's name the words, "challenged and sworn," and the further word "rejected" or "voted," according to the fact.

Sec. 14. The presiding officer and judges of election, in determining the residence and qualifications of persons offering to vote, shall be governed by the following rules, so far as the same may be applicable:

1. The place where a man's family reside shall be considered and held to be his residence.

2. The place where an unmarried man usually sleeps shall be considered and held to be his residence.

3. All qualified electors shall vote in the election precinct in the county where they reside.

Sec. 15. No person shall approach or stand within thirty feet of the polls when open for the purpose of receiving votes, except such peace officers as are particularly selected or appointed by judges to preserve or enforce the laws within such limits, and electors actually desiring and proceeding to vote, and but ten electors shall be permitted to approach the polls within thirty feet at the same time; provided, however, that the said judges of election shall, if required, permit one person from each political party, selected by the party, to stand outside of the guard rail at the polls, while open for receiving votes, for the purpose of challenging voters, and the said judges of election shall, if requested, permit the respective candidates, or some person selected by a candidate or by several candidates, or by a political party, to be present in the room, but outside of the guard rail, where the said judges are during the time of receiving and counting of the votes. That the voter shall make and deliver his ballot without delay, and shall quit the said enclosed space as soon as he has voted. No voter shall remain in the compartment or reserved space more than five minutes after receiving his ballot.

Sec. 16. The following classes of persons shall not be allowed to vote:

- (1) Idiots and lunatics.
- (2) All aliens.
- (3) All paupers supported by the county.
- (4) All persons convicted of felony.
- (5) All soldiers, marines and seamen employed in the service of the army or navy of the United States.
- (6) All persons not duly registered as hereinafter provided.

Sec. 17. Every male person who is subject to neither of the disqualifications named in the preceding article, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in the State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified voter, and every male person of foreign birth subject to none of the disqualifications aforesaid, who, at any time before an election, shall have declared his intention to become a citizen of the United States in accordance with the Federal naturalization laws, six months prior to the day of election, and shall have resided in this State one year next preceding an election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified voter. No alien who has resided in the United

States a sufficient length of time after making his declaration of intention to become a citizen of the United States to obtain his final papers, shall be allowed to vote until he has procured such final papers.

Sec. 18. The presiding officer, judges and clerks shall be entitled to receive as compensation for their services the sum of two dollars per day, the same to be paid by the county treasurer of the county where such services are rendered, upon the order of the Commissioners' Court of such county. Provided, twelve working hours shall be considered a day within the meaning of this section. One of the judges shall deliver the returns to the county clerk immediately, and receive two dollars for delivery of the returns, if delivered within two days. Provided, said judge shall not receive two dollars for delivering the returns if he shall have to travel less than five miles in doing so.

Sec. 19. The form of the poll books to be kept by the judges and clerks of election under this act shall be substantially as follows:

Poll book of the election held in precinct  
No. . . . in the county of . . . . on  
the . . . . day of . . . . in the year  
18 . . . .

State of Texas, }  
County of . . . . }  
Precinct No. . . . }

We . . . . . presiding officer, and  
. . . . . and . . . . . and . . . . .  
judges of said election, being first duly  
sworn, severally upon oath say: I will  
perform the duties of judge of election  
according to law, and that I will studiously  
endeavor to prevent fraud, deception  
and evasion of the law in conducting this  
election.

. . . . . Presiding Officer.  
. . . . . Judge.  
. . . . . Judge.  
. . . . . Judge.

Subscribed and sworn to before me this  
. . . . day of . . . . 18 . . . .

We, . . . . . and . . . . . and  
. . . . . and . . . . . clerks of said  
election, being first duly sworn, severally  
say upon oath: I will perform  
the duties of clerk of election according  
to law, and that I will studiously endeavor  
to prevent fraud, deception and  
evasion of the law in conducting this  
election.

. . . . . Clerk.  
. . . . . Clerk.  
. . . . . Clerk.  
. . . . . Clerk.

Subscribed and sworn to before me this  
. . . . day of . . . . 18 . . . .

Number and names of electors—

No. 1—(Name of elector.)

No. 2—(Name of elector.)

No. 3—(Name of elector.)

We hereby certify that the foregoing is  
a true list of the number, names and  
where given the residence of the persons  
who voted at the above election precinct.

. . . . . Presiding Officer.

. . . . . Judge.

. . . . . Judge.

. . . . . Judge.

. . . . . Clerk

who kept this poll book.

. . . . . Clerk

who kept the other poll book.

Sec. 20. There shall be provided by  
the county clerk, at the expense of the  
county, for each election precinct which  
cast less than 100 votes at last general  
election, one wood or metallic ballot-box  
with secure locks and keys, and for all  
other election precincts two ballot-boxes  
with secure locks and keys, one of which  
shall be numbered "No. 1" and the other  
"No. 2," and for all other precincts one  
of said ballot-boxes.

Sec. 21. The presiding officer of each  
election precinct which shall have cast  
more than one hundred votes at the last  
general election shall, on or before the  
day of election, select from among the  
qualified voters of the precinct three  
judges and four clerks to be made from  
the different political parties, if de-  
manded, as far as practicable, and there  
shall be present a sufficient number of  
the party making such demand who are  
willing and competent in the opinion of  
said judge to serve in such position. That  
said presiding judge, before balloting be-  
gins, shall designate two of said judges  
to be counting judges, and such presiding  
judge and remaining judge shall be the  
receiving judges of election, and said  
presiding judge shall designate two of  
said clerks to be receiving clerks, and two  
of said clerks shall be canvassing clerks  
of election. The said receiving clerks  
shall keep the poll books and the said  
canvassing clerks shall keep the tally  
lists, as provided in section 29.

Sec. 22. In all election precincts where  
were cast one hundred or less votes at the  
last preceding general election, the pre-  
siding officer of such precinct shall, on or  
before the day of election, select from the  
qualified voters of the precinct two judges  
and two clerks, such selections to be  
made from the different political parties,  
if demanded, as far as practicable, and  
there be present a sufficient number of the

party making such demand who are willing and competent, in the opinion of said judge, to serve in said position.

Sec. 23. In all election precincts where were cast one hundred or less votes at the preceding general election, each clerk of election shall keep the tally sheets, as provided in section 29, and a poll book upon which he shall write the number and the name of each person who votes, at the time of his voting.

Sec. 24. Any person desiring to vote shall give his name and also his residence, if requested, to one of the election judges, or where three judges are provided, to one of the receiving judges, who shall thereupon announce the name and, when given, the residence distinctly, and one of the clerks shall write in the poll book kept by him the name, and when required the residence of the elector, and with pen and ink or copying pencil upon the back of the stub the number of the elector; he shall number the stub and each ballot to correspond with the elector and the poll book, beginning with No. 1 for the first elector applying to vote, No. 2 for the second elector, and so on, and he shall then tear off the stub upon which he wrote the elector's name, and shall then deliver the ballot to the elector. The said clerk shall give the said elector one, and only one, of said ballots. The clerk shall then at once, and before issuing another ballot, deliver the stub containing the name and number of the elector to the judges, who shall pass it to a second clerk, who shall immediately enter the number upon the poll book, and the name, and where required, the residence of the elector opposite thereto, and shall retain the stub in his possession.

Sec. 25. On receipt of his ballot, as aforesaid, the elector shall forthwith, and without leaving the enclosed space, retire alone to one of the compartments or booths provided, and shall there prepare his ballot by canceling, crossing or marking out the names of the candidates he does not wish to vote for for each office to be filled, and if necessary, he may write in the blank space provided therefor the name of the person of his choice for any such office; and, in case of a question submitted to the vote of the people, by cancelling, crossing or scratching out the answer he does not wish to make or give. Before leaving the compartment or place provided, the elector shall fold his ballot so that the face thereof will be concealed, without displaying the ballot or informing any person how he had prepared it; and he shall fold the ballot so that the number may be readily observed without expos-

ing the contents of the ballot. He shall then deliver the ballot to one of the judges.

Sec. 26. Immediately upon receiving the ballot from the elector, the judge shall report the name and where given, the residence distinctly, and shall pass the same to the second judge, who shall compare its number with the stub and see that it is the identical ballot furnished said elector. If no objection is made to the elector, and the judges are satisfied that the elector is legally qualified, according to the constitution and laws of the state, to vote at that election, and the ballot presented is the identical white ballot received by the elector aforesaid from the first judge, the presiding officer shall immediately put the ballot in the box without any one inspecting or seeing the name written or printed, or the crosses or marks upon the ballot, and without unfolding the same, and each clerk shall enter opposite the name and number of the elector in the poll book the word voted or letter V to indicate the same, and the elector shall immediately pass out of the voting room.

Sec. 27. In all election precincts where more than one hundred votes have been cast at the last preceding general election, and where the three judges and four clerks as herein provided have been appointed, one of said receiving judges shall receive the ballot of each voter, and the other receiving judge shall deposit it in said ballot box No. 1, which shall be kept securely locked while the balloting continues for one hour from the opening of the polls. At the expiration of said hour the receiving judges shall deliver said ballot box No. 1 to the counting judges, who shall immediately deliver over to said receiving judges ballot box No. 2, which ballot box No. 2 shall be opened and examined in the presence of all the judges, and when everything is removed therefrom shall be securely locked, and until the ballots in box No. 1 have been counted, said receiving judges shall receive and deposit ballots therein in the same manner as during the first hour ballots were received and deposited in ballot box No. 1. After the delivery of ballot box No. 1 to the counting judges, the same shall be immediately opened by them and the tickets shall be taken out one at a time by one of the counting judges, who shall read distinctly, while the ticket remains in his hands the name or names written or printed thereon, also the office that is intended to be filled by such person voted for, and deliver the same to the counting judge, who shall string it upon a strong

string and carefully preserve the same. The same method shall be observed with each ticket, and the counting shall continue thus until the ballots in the box are counted. And then the counting judge shall securely close and lock the ballot box No. 1, and deliver the same to the receiving judges, and receive from the receiving judges ballot box No. 2, and so on in the same manner until the polls are closed and all the ballots have been counted. When all the ballots have been counted and strung, the ends of the strings upon which the ballots have been strung shall be securely united, knotted and enclosed in a suitable wrapper, and sealed under the signatures of the judges and clerks of the election precincts.

Sec. 28. Upon the close of the count and the sealing of the ballots as herein provided, they shall be placed in the ballot box and the same securely locked. No person or persons shall be admitted in the room or place where such ballots are being counted, except the judges and clerks of election; provided, that any political party may select a representative man, who may be admitted as a witness of such counting. It shall be the duty of one of the judges to announce to the voters present the total number of votes polled at each change of boxes; but the judges, clerks and witnesses shall make oath that they will give no information of any kind as to the number of votes polled for any office or person, nor the name of any person voted for, nor any other fact in any way to show the state of the polls at any time previous to the closing of the polls of said election on the day of the same. Immediately after the close of the polls the names of the electors who voted shall be counted, and the number, and certified in each of the poll books at the end of the list, and the same shall be immediately signed by the presiding officer and each of the judges and clerks in the manner indicated above. In all election precincts which shall have cast less than one hundred votes at the last preceding general election, and within one hour after the poll books are signed in the manner herein described, the ballot box shall be opened and the ballots taken out one at a time by the presiding officer, who shall read and announce distinctly, while the ballot remains in his hand, the name or names contained therein, and deliver it to one of the judges, who shall examine the same and see that there is no mistake, and pass it to the second judge, who shall likewise examine the same, and immediately fold it and string it on a strong string, and carefully preserve the same; and the same method shall be pur-

sued in respect to each of the ballots in the ballot box until all the ballots are taken out of the ballot box. The ends of the string upon which the ballots have been strung shall then be securely knotted and united, and enclosed in a suitable wrapper and sealed under the signatures of the judges and clerks of the polling place.

Sec. 29. The form of the tally sheets kept by the judges and clerks of elections under this act shall be substantially as follows:

Tally sheet of the election held at . . . precinct No. . . in the county of . . . on the . . . day of . . . in the year 18 . . . containing the number and name of each person voted for, the particular office each person was voted for, the total number of votes cast for each candidate, and the tally or count as it was kept by each of the clerks.

No.	Names of candidates	Office.	Total votes received.	No.	Tally 10.	No.	Tally 20.	No.
1	..	..	..	1	..	1	..	1
2	..	..	..	2	..	2	..	2

We hereby certify that at the above election and polling place, each of the foregoing named persons received the number of votes set opposite his name, as above set forth, for the office specified.

.. .. Clerk  
 .. .. who kept this sheet.  
 .. .. Presiding Officer.  
 .. .. Judge.  
 .. .. Judge.  
 .. .. Judge.  
 .. .. Clerk

.. .. who kept the other sheet.

During the count of the ballots in all election precincts which shall have cast less than one hundred votes at the last preceding general election, each clerk, and in all other precincts, each receiving clerk, shall with pen and ink keep tally upon one of the above tally sheets, and immediately upon the completion of the account, the clerks shall sign the tally sheet, and each of them shall certify which sheet was kept by him, and the presiding officer and the judges being satisfied of the correctness of the same, shall then sign both of said tally sheets. The clerks shall then prepare a copy of that portion of one of said tally sheets showing the number and name of each candidate, and the office and total votes received by each, and of the certificate thereto, which copy shall be signed by the judges and clerks, and immediately posted in a conspicuous place on the out-

side of said polls, there to remain for ten days.

Sec. 30. Immediately after canvassing the votes in the manner aforesaid, the judges, before they separate or adjourn, shall cause the clerks to prepare a copy of the poll book and tally sheets, certified by the judges and clerks to be true copies. They shall seal up in separate envelopes, with their contents specified upon the envelope, and address one original set to the county judge and the other original set to the county clerk, and the certified copy shall be sealed and addressed to and retained by the presiding officer for one year, to be kept by him subject to the control of the proper court, and the same shall have the force and effect in any legal investigation or proceeding as said originals.

Sec. 31. Said poll books and tally sheets, prepared and certified as above, shall constitute the election returns of said voting precincts, and the said returns addressed to the county judge shall be forthwith conveyed by one of the judges, clerks or presiding officer, to be agreed upon for that purpose, to the county judge of the county. The other official returns, addressed to the county clerk, together with the ballot box, in which shall be placed the ballots and stubs on strings properly enclosed and sealed, shall forthwith be delivered to the county clerk by one of the officers of election, when practicable, not of the same political party as the presiding officer, judge or clerk who conveys the duplicate to the county judge.

Sec. 32. In case of a vacancy in the office of county judge, or the absence or inability of that officer to act, the election returns shall be delivered to the clerk of the county court, who shall safely keep the same in his office, and he or the county judge, as the case may be, shall deliver the same to the county commissioners court on the day appointed by law to open and compare the polls.

Sec. 33. The election returns shall be delivered on or before Monday next succeeding the day of election. On the Monday next following the day of election, and not before, the county commissioners court shall open the election returns and estimate the result, recording the state of the polls in each precinct in a book to be kept for that purpose, to be called the record of elections; provided, that in the event of failure, from any cause, of the commissioners court to convene on the Monday following the election, then said court shall be convened for that purpose upon the earliest day practicable thereafter.

Sec. 34. In the canvass of the votes

only white ballots furnished under the provisions of this act shall be counted, and any ballot from which it is impossible to determine the elector's choice for any of the offices shall be void, and shall not be counted as to that particular office.

Sec. 35. The judges shall carefully envelope all ballots which are rejected or defective and not counted for any office, and seal the same securely and address the same to the county clerk and endorse the same so that they may be identified, and shall transmit the same along with the other ballots to the county clerk, as aforesaid. The presiding officer shall stamp or write upon the back of every such ballot, immediately after the same is discovered, the words, "wholly defective," and sign with pen and ink his initials thereto.

Sec. 36. Any ballot from which it is possible to determine the elector's choice for a part of the offices shall be counted for such part, but the remainder of the ballot, from which it is impossible to determine the elector's choice, shall be void as to such defective part, and such defective part shall not be counted. The judges shall disregard misspelling or abbreviations of the names of the candidates for office if it can be ascertained from such ballot for whom it was intended. Every such ballot not counted for any party shall be immediately endorsed on the back thereof with a stamp or in writing by the presiding officer, "not counted for ——" (stating what office or offices), and sign with pen and ink his initials thereto.

Sec. 37. Not more than ten days nor less than seven days before the day fixed by law for the election the clerk of each county shall have printed the ballots for use in their respective counties, upon which shall be placed all of the names of candidates for state and district offices and all the names of candidates for county and precinct offices, if the names of candidates for precinct offices has been furnished him, and deliver the ballots securely wrapped and tied in packages, one package for each voting precinct, to the sheriff of the county, who shall either in person or by his deputies distribute the same to the proper person as provided herein.

Sec. 38. The county clerk of each county shall, at the expense of the county, cause to be printed, according to law, all the ballots required under the provisions of this act, and shall furnish the same in the manner hereinafter provided for the use of all electors in the county. Ballots other than those furnished by the respective county clerks according to the pro-



visions of this act shall not be cast or be counted in any election provided for in this act. Any candidate for office shall have the right to have his name printed upon the official ballot by presenting the same to the county clerk at least two days before the printing of the ballots is required to be done, and any candidate may at his own expense have a ballot printed exactly in every respect similar to the official ballot prepared by the county clerk, which said ballots shall be delivered to the sheriff at the same time as the official ballots are required to be delivered to him for distribution to the various election precincts in the county; provided, however, that all ballots printed by any candidate at his own expense shall have the names of all candidates which are upon the ballots provided by the county clerk.

Sec. 39. All ballots designed to be voted shall be printed in black ink upon a good quality of white paper, and shall be alike and of the same size, in the same county, at the same county, at the same election. The county clerk may have printed upon colored paper so as to be readily distinguished from the white ballots, an imaginary sample ballot for illustrating and for information of voters, but they shall not be voted, and if voted shall not be counted.

Sec. 40. The white ballots shall be styled "official ballot," and by stamping or printing shall state the number of the precinct and county they are intended for, and the date when the election is to be held; they shall contain the names of all the candidates for offices to be filled at that election, and shall contain no other names of persons, except that in the case of electors of president and vice president of the United States, the names of the candidates for president and vice president may be added to the party or political designation; the name of each person nominated shall be printed upon the ballot in but one place, but there shall be added opposite thereto the party or political designated, if any, expressed in not more than three words for any one political party. The names of the candidates for each office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of the candidates for the offices of electors of president and vice president shall be arranged in groups. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the elector may write in the name of any person not printed on the ballot, for whom he desires to vote as candidate for such office. Whenever the

approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates. The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates and his answers to the questions submitted by cancelling or marking out the names of the candidates who are not his choice or the answers he does not wish to make. And on the ballot may be printed such words as will aid the elector to do this, as "vote for one," "vote for three," "yes" "no," "cancel," "cross or mark out the names of candidates not voted for." Each ballot shall have at the top thereof one stub or margin, perforated along the lower edge thereof, and adapted to be torn off after the ballot is folded, and without exposing its contents. The ballots shall be of sufficient length and width to permit this to be properly done. The white ballots shall be arranged and printed substantially in the following form:

#### OFFICIAL BALLOT.

To vote for a person, cross or mark out the names of candidates not voted for.

Office.	Dem.	Rep.	Prohib.			
Governor . . .	.	.	.	.	.	Vote for one.
Lt. Governor . .	.	.	.	.	.	Vote for one.
Treasurer . . .	.	.	.	.	.	Vote for one.
Com. Gen. L.O. .	.	.	.	.	.	Vote for one.
Comptroller . . .	.	.	.	.	.	Vote for one.

Sec. 41. There shall be provided and furnished for each election precinct not less than three official ballots for each vote cast in such election precinct at the general election next preceding.

Sec. 42. A sufficient time, and not less than five days before the opening of the polls at any election provided for in this act, the county clerk in each county in which the election is to be held shall deliver to the sheriff of the county for use at each polling place in the county:

- (1) The proper number of ballots required for each polling place, prepared and printed as provided in this act.
- (2) Cards of instructions to voters—twelve for each voting place.
- (3) One or two ballot boxes, as required by this act.
- (4) Three poll books, as required by this act, and three large envelopes for returning the poll books and the tally sheets.
- (5) One copy of the election laws of this State, as required by this act.



(6) A sufficient number of tally sheets and such other needed supplies for the holding of the election.

Sec. 43. If by any accident or casualty the ballots or ballot box delivered to the sheriff shall be lost or destroyed, it shall be the duty of such sheriff to report the loss forthwith to the clerk of the county court from whom the same were or was obtained and make affidavit of the circumstances of the loss, whereupon such clerk shall at once send a new supply by special messenger, as provided in other cases. In case for any reason there should be found no ballots or ballot box or other necessary means or contrivance for voting at the opening of the polls, it shall be the duty of the commissioner of election to secure the same speedily as possible, and if necessary such board may have ballots printed or written or a ballot box made; provided, however, that such ballots shall conform as nearly as possible to the official ballots, and the printing or writing and the care of the same, and of said ballot box, shall be under the same provisions and penalties as the care of the other ballots and other ballot boxes prescribed in this act.

Sec. 44. The polling places in the several precincts in the county shall be provided with a guard rail, so constructed and placed that only such persons as are inside such rail can approach within six feet of the ballot boxes or compartments or booths at which electors are to prepare their ballots for voting. The arrangements shall be such that neither the ballot boxes or the voting booths or the electors while preparing their ballots shall be hidden from view of those just outside of the said guard rail, or from the judges; and yet the same shall be far enough removed and so arranged that the elector may conveniently prepare his ballot with secrecy. There shall be provided in each polling place not less than one such compartment or booth for every fifty electors to vote at such polling place, and every polling place shall have at least three of such compartments or booths, which shall be made with three sides closed and the front side open, and in size 32 inches wide, 34 inches deep, and 6 feet four inches high, containing a shelf, and shall be arranged with hinges to fold up when not in use, convenient for storage. The county judge, county clerk and sheriff of each county shall constitute a board, a majority of whom may act to provide the voting booths or compartments and guard rails required by this act. When said appliances have been provided, said board shall file with the county commissioners' court a written report of their action, giv-

ing a detailed statement of the expense incurred in providing said booths and guard rails, and it shall be the duty of said commissioners' court to certify to the comptroller of public accounts the amounts due, and to whom due, and the number of booths and feet of guard rail provided; upon receipt of said certificate the comptroller shall issue his warrant upon the state treasurer in favor of the parties to whom said account is due for one-half of said amount, and the same shall be paid out of the State treasury, and the residue thereof shall be paid by the respective counties.

Sec. 45. During the election and counting of ballots no person other than the judges and clerks of election and the electors and other persons, admitted as herein provided, for the purpose of providing their ballots and voting shall be admitted or permitted to be within said rail.

Sec. 46. The county clerk of each county shall cause to be printed, in large type, cards for the guidance of the voter at the expense of the county. The presiding officer shall post not less than one of such cards in each booth provided for the preparation of ballots, and not less than three cards elsewhere in and about the polling place on the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to the voter as to how to obtain his ballot, how to prepare the ballot for voting, how to obtain new ballots in place of one accidentally spoiled, and how to obtain assistance in preparing ballots; also copies of sections 74, 76, 77 and 78. If any elector, by accident or mistake, spoils his ballot so that he cannot conveniently vote the same he may on returning said spoiled ballot receive another in place thereof. If the elector spoils two such ballots it shall be conclusive evidence that the elector is unable to prepare his ballot without assistance, and he shall have the assistance of two of the judges to prepare one for him.

Sec. 47. No person shall wilfully deface or destroy, take or remove any ballot from the polling place, and immediately upon the closing of the polls, the judges shall cause all the ballots remaining unused to be immediately destroyed by tearing them in pieces or by burning them.

Sec. 48. As fast as electors vote, as aforesaid, the second clerk shall string the stubs upon a strong string, and immediately upon the closing of the polls he shall securely knot together the ends of the thread and carefully preserve the same.

Sec. 49. Not more than one person at a time shall be permitted to occupy any one compartment or place for electors to prepare their ballots, except when an elector is unable to read or write, or unable to read the English language, or unable to prepare his ballot, and shall so inform the officers holding said election, he may choose one qualified elector to assist him in making out his ballot, and for that purpose such person may accompany the voter to such voting booth; provided, that no person shall be allowed to assist in preparing more than one ballot, and that the person so chosen shall not be a candidate for any office at said election.

Sec. 50. Any elector who declares to the presiding officer that he cannot read or write the English language, or that by blindness or other physical disability he is unable to prepare his ballot, shall upon request receive the assistance of two of the judges in the preparation thereof, and such officers shall ascertain his wishes and prepare his ballot in accordance therewith, and such officer shall thereafter give no information regarding the same. The presiding officer may in his discretion require such declaration of disability to be made by the elector under oath.

Sec. 51. Any elector who shall use or bring into the polling place or carry away therefrom any unofficial ballot, or any paper or thing bearing any resemblance to the official white ballot, other than said colored or sample ballot, or anything which will show how he has prepared the white ballot, or any elector who shall, except as otherwise herein provided, allow his white ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or mutilate his ballot, or place any distinguishing mark upon his ballot where by the same may be identified, or who shall make a false statement as to his inability to mark ballot, or any person who shall interfere or attempt to interfere with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter to mark his ballot in a particular way, or before or after voting to show or explain how he marks or has marked his ballot, upon conviction shall be punished by a fine of not less than \$50 or more than \$200.

Sec. 52. It shall be the duty of the secretary of state not less than three months before every biennial election in this state, to compile the election laws of the state and index the same, and cause the same to be printed in suitable pamphlet form for the use of the judges of

election, and he shall forthwith proceed and distribute the same to the several county clerks in the state in appropriate quantities. The county clerk shall at the expense of the county provide all necessary books, stationery and supplies required by this act, except such as may be otherwise provided for by this act, and the bills for the same shall be audited by the county commissioners' court and paid out of the county treasury.

Sec. 53. Any officer upon whom a duty is imposed by this act, who shall disclose to any person the name of any candidate for whom any elector has voted, or gives any information by which it may be ascertained for whom any elector has voted, or any judge or clerk of election, or other officer about the polls, who shall do any electioneering on election day within any polling place, or within thirty feet of any polling place, or any elector who shall deliver any ballot to the presiding officer to be voted except the one he received from the election clerk, or any elector or any one who shall, contrary to the provisions of this act, place any mark upon or do anything to his ballot by which it may be afterwards identified as the one voted by any particular individual, upon conviction shall be punished by a fine not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or both in the discretion of the court.

Sec. 54. Any judge or clerk of election who shall willfully disregard any of the provisions of this act, or who shall negligently fail to enforce any of the provisions of this act, or who shall in counting the ballots or making the returns thereof, willfully disregard any of the directions or requirements of this act, or who shall call in counting a vote or ballot the name of any person for any office as being voted other than the person or candidate whose name appears on the ballot being counted, or any person who shall wilfully or fraudulently alter or destroy any ballot cast at any election, or any of the returns of any election regulated by this act, or who shall introduce among the genuine ballots a fraudulent ballot, or any person who shall falsely write the initials of the presiding officer, or any writing upon the ballot or ballot stub purporting to be written by the clerk or presiding officer, or any person who shall steal any of the ballots or returns, or wilfully or fraudulently hinder or delay the delivery of any of the election returns to the county clerk, or wilfully break open any of such sealed returns of any election regulated by this act, upon conviction shall be punished by

confinement not less than one year nor more than three years, or by fine not less than five hundred dollars nor more than two thousand dollars, or by both such fine and imprisonment.

Sec. 55. Any person who shall, prior to or during an election, wilfully deface, tear down, remove or destroy any other notice posted in accordance with the provisions of this act, or who, during an election, shall wilfully deface, tear down, remove or destroy any card of instruction or specimen ballot posted under the provisions of this act for the instructions of voters, or who shall deface, tear down, remove, alter or destroy any certificate of the result of the election, posted under the provisions of this act, or who shall, during an election, wilfully remove or destroy any of the official ballots, supplies or conveniences furnished to enable a voter to prepare his ballot, or who shall wilfully open any of the packages containing any of the supplies for the polling places contrary to the provisions of this act, upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 56. That sections 1673, 1674, 1675, 1681, 1682, 1683, 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702 of the Revised Civil Statutes of the State of Texas, and chapter 112 of the Acts of the Legislature, approved April 19th, 1879, also chapter 51, Acts of the Eighteenth Legislature, also chapter 31 of the laws of 1887, approved March 14, 1887, and all acts or parts of acts in conflict with this act are hereby repealed.

Sec. 57. All elections held under this act shall be held valid, provided a substantial compliance with the provisions hereof shall be shown.

Sec. 58. That in all cities in this state having a population of ten thousand inhabitants or more there shall be prior to each general election, either state, county or municipal, had a registration of all the voters in such city in the manner hereinafter provided.

Sec. 59. Each qualified voter of such city, under the constitution and laws of this state, shall be entitled to register, but no elector of such city, who fails to register under the provisions of this act shall vote at any state, county or city election for which registration is had under the provisions of this act.

Sec. 60. Each person offering to register under the provisions of this act, shall give to the registrars, hereinafter pro-

vided for, under oath if demanded, the following information, to-wit: His name, the street and number of his place of residence, the number of the ward in which he resides, and such other information touching his qualifications as a voter in the city as may be necessary to establish his right to registration. Should the place of his residence not be numbered, then he shall give such description of his place of residence as will enable the same to be correctly located.

Sec. 61. There shall be appointed by the commissioners' court of each county in which there is located a city having a population of ten thousand inhabitants or more one registrar of all the voters of each such city in said county, who shall be a qualified elector of the city and shall hold his office for two years and until his successor shall have been appointed and qualified.

Section 62. It shall be the duty of the registrar provided for in the preceding section to register all the qualified electors of such city as is hereinafter provided and to do and perform all other duties required of him by the provisions of this act.

Sec. 63. Said registrar shall, when appointed, and before entering upon his duties as such, take and subscribe before some officer authorized by law to administer oaths, the oath of office prescribed by the state constitution for all state and county officers, which said oath of office shall be filed with the county clerk of the county in which such registrar is appointed. Upon filing the said oath of office with the county clerk, as herein provided, the county clerk shall issue to said registrar a certificate of his appointment and qualification, which said certificate shall be sufficient authority for the said registrar to do and perform all the official duties herein prescribed and required.

Sec. 64. Said registrar shall have authority to appoint and employ as many deputies, or assistants, as may be necessary to the prompt and efficient discharge of his official duties; provided, there shall be appointed one deputy from each political party, if demanded by the chairman of the county executive committee of the party in said county two days prior to the opening of the registration books, as is hereinafter provided.

Sec. 65. Said registrar shall open the books of his office for the registration of all the voters in the city on the first Tuesday of the month preceding and prior to the month in which the election is held for which registration is required under

the provisions of this act, and said registrar shall keep the same open for the registration of voters for eleven consecutive days, Sunday excluded, from 8 a. m. till 8 p. m. of each day, and no longer.

Sec. 66. Said registrar shall keep his office during the registration of the voters in some convenient room or place, notice of the time and place of each registration of voters shall be given in some daily newspaper published in said city for at least five consecutive days prior to the day of beginning such registration. But should there be no daily newspaper published in the said city, then notice may be given by printed hand bills posted throughout the city for five consecutive days prior to the beginning of the registration. The publication of which notice shall be paid for in all state and county elections by the commissioners court of the county out of the general revenue fund of said county, and for all city elections by the city council out of the general revenue funds of the city.

Sec. 67. The registrar shall receive as compensation in full for all services herein required ten (10) cents for each certificate of registration issued, to be paid in all state and county elections by the commissioners court of the county out of the general revenue funds of the county, and in all city elections by the city council of the city out of the general revenue funds of the city. Upon the completion and delivery of the work, as hereinafter provided, to the county clerk in all state and county elections, and to the city secretary in all city elections, the commissioners court, or the city council, as the case may be, shall cause to be issued to the registrar a warrant on the treasurer for the full amount due on said work as herein provided, which shall be full compensation for all services performed.

Sec. 68. The commissioners court shall furnish and supply the registrar with all necessary books, stationery and blank certificates of registration, and an office in which to perform all the necessary work of registration during the time he is necessarily engaged in the registration of voters as herein provided; but in all city elections the city council shall furnish and supply them.

Sec. 69. The registrar's books shall contain a list of all registered voters of the city, with the number of the certificate issued written opposite the name of the holder of the certificate and the number of the ward in which the voter resides, and shall also indicate the color or nationality of the holder

of the certificate, or such other information as will enable the judges of election to determine the identity of the holder of the certificate, and shall also show the street and number of the residence of the voter, or such other information as will enable his place of residence to be correctly located.

Sec. 70. The registrar shall make a list of all the registered voters of his city for the use of the managers of the election of each ward of the city, which list shall be a true copy of his books as is required and provided for in section 12 of this act, which said list shall be made out and filed with the county clerk or city secretary, as the case may be, at least five days prior to the day of election, which said lists shall then be furnished the presiding officer of the election of each ward in the city as other election papers are furnished such presiding officers of election.

Sec. 71. Any person who shall illegally register as a qualified voter of any city under the provisions of this act shall be deemed guilty of a felony, and upon conviction in any court of competent jurisdiction shall be punished by confinement in the penitentiary for not less than one year nor more than two years.

Sec. 72. The registrar herein provided for is hereby authorized and empowered to administer all necessary oaths to applicants for registration, and also to all witnesses touching the qualifications of applicants for registration, and any person who shall swear falsely about his own qualifications as a voter of the city, or any person who shall as a witness for the applicant for registration swear falsely about the qualifications of such application shall be deemed guilty of false swearing, and upon conviction in any court of competent jurisdiction shall be punished as is provided by law for the punishment of false swearing in other cases.

Sec. 73. Should the registrar have doubts or not be satisfied as to the qualification of the applicant for registration, he may, in addition to the oath of the applicant for registration, demand proof of the right of such applicant to register before he shall issue to such applicant a certificate of registration, which proof shall consist of the sworn testimony of two well known citizens of the city, if demanded, which oath or oaths shall be sworn and subscribed to by the applicant and by each of his witnesses separately, and the said oaths shall be filed and kept as part of the records of the registrar's office.

Sec. 74. Each person who shall register under the provisions of this act shall receive a registration certificate which shall be numbered to correspond with the number of registered certificates issued,

portance of this bill becoming a law creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is suspended and this act shall take effect and be in force from and after September 1, 1892.

Senator Carter moved the previous question on the amendment and the bill which was ordered.

Senator Glasscock's amendment was adopted.

The bill was passed to engrossment.

Senator Crane moved that the constitutional rule requiring bills to be read on three several days in each house be suspended and the bill be put upon its third reading and final passage.

Adopted by the following vote:

#### NAYS—26.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Ingram,	Simkins,
Johnson,	Sims,
Kearby,	Weisiger.

#### NAYS—1.

Townsend.

Bill read third time and passed.

Senator Frank moved that the Senate stand adjourned to 3:30 this afternoon.

Adopted.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

#### PRESENT—27.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,

Harrison,  
Ingram,  
Johnson,  
Kearby,  
Kimbrough,

Sims,  
Tyler,  
Townsend,  
Weisiger.

Senator Page moved that House bill No. 14 and substitute House bills Nos. 22, 23 and 31 be printed in the Journal of today.

Adopted.

Senator Townsend moved that the report of the committee on the International receivership be made the special order for tomorrow after the morning call.

Lost by the following vote:

#### YEAS—9.

Clemens,	Sims,
Johnson,	Tyler,
Mott,	Townsend,
Seale,	Weisiger.
Searcy,	

#### NAYS—14.

Burney,	Kimbrough,
Crane,	O'Neal,
Cranford,	Potter,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy.
Kearby,	Simkins,

Senator Finch, by permission, presented the following report:

#### Committee Room.

Austin, Tex., April 8, 1892. }

Hon. R. T. Milner, Speaker of the House of Representatives, and Hon. Geo. C. Pendleton, President of the Senate:

Sirs—A minority of your committee on free conference, to whom was referred

Senate bills Nos. 6, 7, 925 and 39, being a bill to be entitled An act to apportion the state into representative districts and fix the number of representatives thereof,

Have had the same under consideration, and a minority of said committee report the same back to the House and Senate with the recommendation that the majority report be adopted in all respects except the Thirteenth district, and that said district shall be composed of the counties of Cooke, Denton and Wise, and shall elect one representative.

Shaw.

House bill No. 14, entitled an Act carrying into effect constitutional amendment to article 7, section 5, transferring annually one per cent of the permanent to the available school fund.

Section 1. Be it enacted by the Legislature of the state of Texas: That

one per cent of the full value of what is known, held and controlled by the state of Texas, as the permanent school fund, shall be transferred annually hereafter to the credit of the available school fund of the state, as belonging to it, and a part of the same, and which henceward shall constitute a part of the state's available school fund, and to be used and applied for the support, maintenance and benefit of the public free school of the state, as now or hereafter may be provided by law.

Section 2. Be it further enacted: It shall be the duty of the comptroller and the state treasurer to notify the State Board of Education of the amount to the credit of the permanent school fund on the first day of July of each and every year. The said statement shall show the amount invested, the amount of outstanding land notes, and the amount of cash on hand to the credit of the permanent school fund. Upon the receipt of this information the State Board of Education shall estimate one per cent of the said permanent school fund. Upon the receipt of this information the State Board of Education shall estimate one per cent of the said permanent school fund and shall issue directions to the said comptroller and state treasurer to transfer the one per cent of the permanent fund thus found to the credit of the available school fund.

Section 3. Be it further enacted: That it shall be the duty of the state comptroller and state treasurer, upon the receipt and delivery to them, by said board of education, of the showing and statement aforesaid, as set forth in section 2 of this act, to transfer and place to the credit of the available school fund of the state, the amount found and ascertained by said Board of Education, as aforesaid, and accruing from the one per cent of the value of the permanent school fund, and transferred to the available school fund, under section 1 of this act.

Section 4. Be it further enacted: That it shall be the duty of the State Board of Education and comptroller, in the management and investment of the permanent school fund, to provide, reserve, and set apart in cash annually, an amount sufficient of same, to meet the one per cent annual transfer to the available school fund.

Section 5. The fact that the session is short, which renders it improbable that this bill can be considered in three several days, and that it is desirable and proper that this bill should

go into effect at once, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

Substitute House bill Nos. 22, 23 and 31. A bill to be entitled, "An act to limit and regulate the ownership by aliens or real estate in the state of Texas, and to provide for the escheat of lands held contrary to law and to repeal all laws in conflict with this act.

Section 1. Be it enacted by the Legislature of the state of Texas that no alien or person who is not a citizen of the United States shall acquire title to nor own any land in the state of Texas, except as hereinafter provided.

Section 2. This act shall not apply to land now owned in this state by aliens so long as it is held by the present owners, nor to any alien who is or shall become a bona fide inhabitant of the state of Texas; and any alien who is or shall become a bona fide inhabitant of the state of Texas shall have the right to acquire and hold lands in this state upon the same terms as citizens of the state of Texas during the continuance of the bona fide residence of such alien in this state—provided, that an alien may not own more than 640 acres of land during the time he is an actual resident of this state, that if any such resident alien shall cease to be a bona fide inhabitant of this state, then such alien shall have ten years from the time he ceases to be such bona fide inhabitant, in which to alienate such lands. This act shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporation or platted city, town or village in this state; provided that an alien may not own more than 640 acres of land during the time he is an actual resident of this state; provided further that any alien who shall become an actual resident of this state and shall in conformity with the naturalization laws of the United States, have declared his intention to become a citizen of the United States shall have the right to acquire and hold real estate in this state in the same manner as if he was a citizen of the United States.

Section 3. This act shall not prevent aliens from acquiring lands, or any interest therein, in the ordinary course of justice in the collection of debt; nor from acquiring liens upon real estate, or any interest therein; nor from lend-



ing money and securing the same upon real estate, or any interest therein; nor from enforcing any such lien nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured.

Section 4. All non-resident aliens who may hereafter acquire real estate in Texas by device, descent or by purchase, under the provisions of this act may hold the same for ten years, provided that any such non-resident alien, if a minor, may hold such real estate for ten years from the time of reaching his or her majority, or if of unsound mind, for ten years after the appointment of a legal guardian.

Section 5. Any alien who shall hereafter hold lands in Texas in contravention of the provisions of this act may, nevertheless, convey the fee simple title thereof at any time before the institution of escheat proceedings as hereinafter provided; provided, however, that if any such conveyance shall be made by such alien either to an alien or to a citizen of the United States in trust and for the purpose and with the intention of evading the provisions of this act, such conveyance be null and void, and any such lands so conveyed shall be forfeited and escheat to the state absolutely.

Section 6. It shall be the duty of the attorney general, or the district or county attorney, when he shall be informed or have reason to believe that lands in this state are being held contrary to the provisions of this act, to institute suit in behalf of the State of Texas, in the district court of the county where such lands are situated, praying for the escheat of the same on behalf of the state, as in cases of estates of persons dying without devise thereof and having no heirs.

Section 7. It shall be determined upon the trial of any such escheat proceedings that lands are held contrary to the provisions of this act, the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting the costs of such suit, shall be paid to the clerk of such court so rendering judgment; and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands or

his heirs or legal representatives, and if not claimed within the period of one year such clerk shall pay the same into the treasury of the State for the benefit of the available school fund of the State of Texas, provided that when any moneys shall have been paid to the treasurer as hereinafter provided, an alien, his heirs or assigns may recover the same from the State in the manner provided in articles 2155, 2156, 2157, 2158, 2159 and 2163 of chapter 27, title 37, of the revised civil statutes of the State of Texas, relating to the recovery of funds of estates of decedants by the heirs and, etc., where the same has been paid into the treasury by the administrator or executor.

Section 8. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 9. The short time of the remainder of this session of the Legislature and the large amount of business pending before the Legislature creates an imperative public necessity requiring that the constitutional rule which requires bills to be read on three several days be and the same is hereby suspended.

#### SENATE AMENDMENTS.

Amend section 1 by striking out the words "acquire title to or."

Amend section 4 by striking out the words "under the provisions of this act."

Amend the bill by striking out "640 acres" wherever it occurs in the bill.

Amend by adding to end of section 6 the following: "Provided before any such suit is instituted the attorney general, district or county attorney as the case may be, shall give ninety days notice by registered letter of his intention to sue, directed to the owner of said land or the person who last rendered same for taxes, or his agents, and to all other persons having an interest in such lands, of which the plaintiff has actual or constructive notice."

Amend by inserting in section 7, in line 4, after the word "execution," "provided that the defendant at any time before final judgment may suggest that he has now conformed with the law, which being admitted or proved, said suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court."

Senator Burney moved that House bill No. 14 be made the special order for tomorrow after the morning call.



Adopted.

Senator Pope moved to reconsider the vote by which Senator Townsend's motion making International Revenue slip a special order was lost.

No quorum voting.

Senator Crane moved a call of the Senate, which was ordered.

Roll call developed the following :

PRESENT—21.

Burney,	O'Neal,
Clemens,	Potter,
Crane,	Pope,
Carter,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Johnson,	Tyler,
Kearby,	Townsend,
Kimbrough,	Weisiger.
Mott,	

ABSENT—4.

Atlee,	Harrison,
Clark,	Ingram,

On motion of Senator Kimbrough the call of the House was suspended.

On motion of Senator Johnson the report of the committee on the International receivership was made the special order for tomorrow at 3:30 o'clock.

The chair laid before the Senate Senate bill No. 16, being "A bill entitled an act to protect material men, contractors, sub-contractors, mechanics, operatives, bookkeepers, clerks and laborers who perform labor in mill, factory, shop, store and mine, office or farm against the failure of owners, contractors or agents to pay their wages, and provide a lien for such wages."

On second reading.

Bill on second reading with the following amendments pending:

Amend section 1 by adding that the lien herein provided for shall have no effect until the person or persons claiming the same shall have filed with the county clerk of the county where the property sought to be charged with the lien is situated his claim which shall be recovered as now provided for the record of chattel mortgages.

Searcy.

Amend by adding the following as section 7 and change section 7 in bill to No. 8 and section 8 to No. 9:

When the owner or his agent is notified that he may retain from any money due or to become due the original contractor an amount sufficient to pay all demands that are or will be-

come due such mechanic, workmen, sub-contractors or other persons so notifying him, and may pay over the same, to the person entitled thereto. In case the amount due the original contractor and the 20 per cent in section 6 provided, is not sufficient to pay such persons so entitled in full he shall pay all claims for mechanical and other labor in full if the amount due the contractor and the said 20 per cent is sufficient, if not then pro rata, but if more than sufficient, the balance shall be divided and paid to such other persons, pro rata in proportion to the amounts due them respectively at the time of such payment.

Glasscock.

Amend section 1 by adding thereto the following:

Provided, that nothing in this act shall be construed to create any lien for the construction of any building or improvement exceeding the contract price agreed upon by the owner and the original contractor.

Tyler.

Amend by striking out section 7.

Seale.

Senator Searcy's amendment was adopted.

Senator Seal's amendment was adopted.

Senator Tyler's amendment was adopted.

Senator Glasscock's amendment was adopted.

Senator Kimbrough offered the following:

Amend section 1 by adding the following after the word upon in line 5, "said manufactory, mill, shop, store, office or other property and upon" also the following after word "or" in line 9 "upon improvements or such."

Adopted.

Question being on the engrossment of the bill, no quorum voting, on motion of Mr. Glasscock a call of the Senate was ordered.

Roll call developed the following:

PRESENT—22.

Burney,	Kimbrough.
Clemens,	Mott,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Ingram,	Sims,
Johnson,	Tyler,
Kearby,	Townsend.

## ABSENT—6.

Atlee, McKinney,  
Clark, Page.  
Lubbock, Weisiger.

Quorum present.

On motion of Senator Kimbrough the call of the Senate was suspended. Senator Simkins offered the following :

Strike out all after the word "of," second section, down to and including the word "and" in line 9, and inserting "laborers on farms."

Adopted by the following vote :

## YEAS—14.

Clemens, Seale,  
Crane, Searcy,  
Cranford, Simkins,  
Frank, Sims,  
Glasscock, Tyler,  
Kearby, Townsend,  
Mott, Weisiger.

## NAYS—8.

Atlee, Johnson,  
Burney, Kimbrough,  
Carter, O'Neal,  
Finch, Potter.  
Ingram.

Senator Carter moved that the Senate stand adjourned to tomorrow morning at 9 o'clock.

Adopted by the following vote:

## YEAS—14.

Atlee, O'Neal,  
Burney, Seale,  
Cranford, Searcy,  
Glasscock, Sims,  
Ingram, Tyler,  
Lubbock, Townsend,  
Mott, Weisiger.

## NAYS—7.

Clemens, Kimbrough,  
Finch, Potter,  
Johnson, Pope,  
Kearby,

## TWENTY-FOURTH DAY.

SENATE CHAMBER,  
TWENTY-SECOND LEGISLATURE,  
Austin, Saturday, April 9, 1892. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

## PRESENT—25.

Burney, McKinney,  
Clemens, O'Neal,  
Carter, Potter,

Cranford, Page,  
Finch, Pope,  
Frank, Seale,  
Glasscock, Searcy,  
Harrison, Simkins,  
Ingram, Sims,  
Johnson, Tyler,  
Kearby, Townsend,  
Kimbrough, Weisiger,  
Lubbock,

## ABSENT—3.

Atlee, Crane,  
Clark, Mott.

Pending reading of the Journal, on motion of Senator Potter further reading was suspended.

On motion of Senator Harrison the Journal of the 5th inst. was corrected page 3 to show that the Sixty-sixth district, composed of the county of McLennan, shall elect two representatives.

The following messages were received from the House:

House of Representatives, }  
Twenty-second Legislature. }  
Austin, Texas, Saturday, April 9, 1892. }  
Hon. Geo. C. Pendleton President of the Senate:

Sir—I am directed by the House to inform you of the passage of the following bills: House bill No. 62. "An act to organize the court of criminal appeals of the state of Texas; to define the jurisdiction thereof; to prescribe the procedure therein; to fix the places and times of holding the terms of said court; to repeal articles 1005, 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, of the revised civil statutes of the state of Texas; to repeal articles 64, 65, 66, 67, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 852, 853, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 876, 877, 878, 879, 880, 881, 882, 883, 886, 887, 888, 889, 890, 1049, 1050, 1051, 1052, of the code of criminal procedure of the state of Texas, and all laws and parts of laws in conflict with the provisions of this act."

Respectfully,

GEO. W. FINGER,  
Chief Clerk of the House of Representatives.

House of Representatives }  
Twenty-Second Legislature, }  
Austin, Texas, April 9, 1892. }  
Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you of the passage of the following bills:

Joint Committee Substitute for